

of the invention to read as follows:

STRAWBERRY PLANT NAMED 'DRISCOLL CAMARILLO'

Applicants hereby request a revised Filing Receipt be issued which recites the amended title of invention.

REMARKS

To facilitate entry of the amendments, applicants enclose a substitute specification along with a copy of the original specification marked up to indicate where changes have been made (37 C.F.R. § 1.125 and MPEP 608.01(q)). In the marked-up version, deletions appear as strikethroughs and additions appear as underlined text. Attorneys for Applicants submit concurrently herewith a Statement pursuant to 37 C.F.R. § 1.125 affirming that the marked-up version of the Substitute Specification shows additions and deletions reflected in the Substitute Specification. Applicants submit that the instant response overcomes the outstanding objections to the specification and withdrawal of the objections is respectfully requested.

Objection to the Drawings

The Examiner has objected to the drawings on the basis that the "Brief Description of the Drawings" section of the specification does not correspond to the figures as filed.

In response, applicants have amended the specification at page 2, lines 5-10 to recite the appropriate figure descriptions.

Applicants submit that the amendments to the specification overcome the objection and request removal of the objection.

Objection to the Disclosure Under 37 C.F.R. § 1.163(a)

and 35 U.S.C. § 112, First Paragraph

The disclosure is objected to under 37 C.F.R. § 1.163(a) and 35 U.S.C. § 112, first paragraph, as allegedly not presenting a full, clear and complete botanical description of the plant and the characteristics that define and distinguish the plant from known cultivars and antecedents for the reasons set forth in the Objection to the Disclosure section. Applicants have amended the specification to incorporate additional features of the claimed strawberry variety in accordance with the Examiner's requests as follows:

A. Heading Should Proceed Latin Name

Applicants have amended the original specification at page 1, line 17, to so that the Latin name is now preceded by a heading in accord with 37 C.F.R. § 1.163(c) (4).

B. Cultivar Names in Single Quotation Marks

Applicants have amended the original specification, throughout the specification, to enclose cultivar names by single quotation marks in accord with the International Code of Botanical Nomenclature.

C. Brief Description of the Drawings

Applicants have amended the original specification to match the Brief Descriptions of the Drawings as described above.

D. Length and Width of Observed Leaf

Applicants have amended the original specification at page 2, line 32 to recite “leaf length” as “9.98 cm” and “leaf width” as “14.78 cm.”

E. Length, Diameter, and Color of Petiolule

Applicants have amended the original specification at page 2, line 32 to recite “petiolule length” as “16.22 mm,” “petiolule diameter” as “2.22 mm,” and “petiolule color” as “149A (in the RHS Colour Chart).”

F. Clarification of Density

Applicants have amended the original specification at page 5, line 7 to replace “Density” with “Canopy Density.” Applicants submit that one skilled in the art of strawberry cultivation and breeding would understand the meaning of “open” canopy density and would be able to conceptualize and visualize the instant variety as having a canopy density that is “open.”

G. Plant Vigor

The Examiner objected to the term “medium” is as being vague and insufficient for describing the plant’s vigor. Applicants respectfully disagree and invite the Examiner’s attention to Table 1 of the specification as originally filed, wherein measurements of plant

height and spread are included as a quantitative indication of plant vigor.

H. Margin and Texture of Leaf

Applicants have amended the original specification at page 2, line 32 to recite "leaf margin" as "crenate" and "leaf texture" as "very strongly blistered." Applicants invite the Examiner's attention to Table 2 of the specification as originally filed at page 5, line 11, wherein "interveinal blistering" is included to describe leaf texture.

I. Anthocyanin Color on Stolons

Applicants have amended the original specification at page 2, line 32 to recite "anthocyanin color on stolons" as "60C" (in the RHS Colour Chart).

J. Diameter of Stolons

Applicants have amended the original specification at page 2, line 32, to recite stolon thickness as "3.875 mm."

K. Sepal Length, Width, and Color

Applicants have amended the original specification at page 2, line 32 to recite the "sepal length" as "9.18 mm," the "sepal diameter" as "5.4 mm," and "sepal color" as "146B (in RHS Colour Chart)."

L. Reproductive Organs

Applicants have amended the original specification at page 2, line 32 to describe "the reproductive organs" as "typical for the species." The color of the anthers is Yellow 13A (in RHS Colour Chart), and the color of the pistils and receptacle are Yellow 7A (in RHS Colour Chart).

M. Average amount and Size of Achenes

Applicants have amended the original specification at page 2, line 32 to recite the "average achene weight" as "0.0054 g" and the "average number of achenes per berry" as "224."

N. Evenness of Color

Applicants have amended the original specification at page 6, line 10 to replace "Evenness of color uneven" with "Evenness of color."

CONCLUSION

In light of the above amendments and remarks, applicants submit that all of the outstanding objections have been obviated or overcome and should be withdrawn. Applicants further submit that the present claim is in form for allowance, and an early allowance is earnestly requested.

Respectfully submitted,

Date: August 6, 2003

| | | |
|-----|-------------------------|------------|
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Enclosures

STRAWBERRY PLANT NAMED 'DRISCOLL

RECEIVED

CAMARILLO'

AUG 11 2003

1. BACKGROUND OF THE INVENTION

TECH CENTER 1600/2000

The new variety originated as a result of a controlled cross between the strawberry plants Baeza 'Baeza' (U.S. Plant Patent No. 11,548) and '33X257' (unpatented variety of Driscoll Strawberry Associates, Inc.) in an ongoing breeding program, and was discovered in Ventura County, California in October, 1997. The original seedling of the new cultivar was asexually propagated by solons in a nursery in Shasta County, California. Propagates were transplanted to a controlled breeding plot in Ventura County, California, where the variety was identified and selected for further evaluation. Camarillo 'Driscoll Camarillo' was subsequently asexually propagated and underwent further testing Ventura County, California for five years. This propagation and testing has demonstrated that the combination of traits disclosed herein which characterize the new variety are fixed and retained true to type through successive generations of asexual reproduction.

1.1 LATIN NAME OF THE GENUS AND SPECIES OF THE PLANT CLAIMED

The variety is botanically identified as *Fragaria x ananassa*.

2. SUMMARY OF THE INVENTION

The present invention relates to a new and distinct variety of strawberry named Camarillo 'Driscoll Camarillo'. The variety is botanically identified as *Fragaria x ananassa*. The new variety is distinguished from other varieties by a number of characteristics as set forth in Tables 1-4.

3. COMPARISON TO SIMILAR VARIETIES

The varieties which we believe to be similar to Camarillo 'Driscoll Camarillo' from those known to us are Baeza 'Baeza' (U.S. Plant Patent No. 11,548) and Ventura 'Ventura'. There are several characteristics of the new variety that are different from, or not possessed by Baeza 'Baeza' and Ventura 'Ventura'. The new variety has a longer fruiting truss, a dark green coloration of the upper side of the leaf, a globosely plant habit, even fruit coloration, and an absent to small hollow center size.

4. BRIEF DESCRIPTION OF THE DRAWINGS

The accompanying photographs show typical specimens of the new variety, including fruit, foliage and flowers, in color as nearly true as it is reasonably possible to make in color illustrations of these characteristics.

5 ~~Fig. 1 shows a close-up photo of the whole plant.~~

~~Fig. 2 shows the whole plant.~~

~~Fig. 3~~ Fig. 1 shows the leaves of the plant.

~~Fig. 4~~ Fig. 2 shows the upper side ~~and the under side of the flowers.~~

Fig. 3 shows the under side of the flowers.

10 ~~Fig. 5~~ Fig. 4 shows a close-up of the fruit.

~~Fig. 6~~ Fig. 5 shows the fruit in longitudinal cross-section.

5. DESCRIPTION OF THE NEW VARIETY

The following detailed description of the new variety is based upon observations taken of plants and fruit grown in Ventura County, California, U.S.A.

15 Observations of ~~Camarillo~~ 'Driscoll Camarillo', ~~Baeza~~ 'Baeza' and ~~Ventura~~ 'Ventura' were taken in side by side comparison in 2001. This description is in accordance with UPOV terminology. Color designations, color descriptions, and other phenotypical descriptions may deviate from the stated values and descriptions depending upon variation in environmental, seasonal, climatic and cultural conditions. Colors are described and the
20 most similar color designations are provided from the Royal Horticultural Society (RHS) Color Chart.

5.1. PROPAGATION

The new variety is principally propagated by way of solons. Although propagation by solons is presently preferred, other known methods of propagating
25 strawberry plants may be employed.

5.2. CHARACTERISTICS OF THE NEW VARIETY

Information on the new variety is presented in Tables 1, 2 and 3. In the tables, the flowers described are secondary flowers except where indicated. The fruit described is the secondary fruit on one year old plants. Fruit and flower measurements are
30 an average of both primary and secondary fruit and flowers. The leaf width is 14.78 cm and the leaf width is 9.98 cm. The leaf margin is crenate, and the leaf texture is very strongly blistered. The petiolule length is 16.22 mm, the petiolule diameter is 2.22 mm, and the petiolule color is 149A (in the RHS Colour Chart). The anthocyanin color on stolons is 60C

(in RHS Colour Chart). The stolon thickness is 3.875 mm. The sepal length is 9.18 mm, sepal diameter is 5.4 mm, and sepal color is 146B (in RHS Colour Chart). The reproductive organs are typical for the species. The color of the anthers is Yellow 13A (in RHS Colour Chart), and the color of the pistils and receptacle are Yellow 7A (in RHS Colour Chart).

- 5 The average achene weight is 0.00054 g, and there are an average number of 224 achenes per berry.

Table 1 provides a quantitative comparison of the plant and fruit characteristics of the new variety ~~Camarillo~~ 'Driscoll Camarillo' compared with characteristics of ~~Baeza~~ 'Baeza' and ~~Ventura~~ 'Ventura'. Table 2 provides additional

10 information of the plant and fruit characteristics of the new variety ~~Camarillo~~ 'Driscoll Camarillo' compared with characteristics of the varieties ~~Baeza~~ 'Baeza' and ~~Ventura~~ 'Ventura'. Table 3 provides reactions of the new variety to stresses, pests and disease as compared to the varieties ~~Baeza~~ 'Baeza' and ~~Ventura~~ 'Ventura'. Table 4 provides isozyme

15 characteristics of the new variety as compared to the varieties ~~Baeza~~ 'Baeza' and ~~Ventura~~ 'Ventura'.

TABLE 1
DETAILED COMPARISON OF CAMARILLO 'DRISCOLL CAMARILLO,'
BAEZA 'BAEZA' AND VENTURA 'VENTURA'

| | <u>CAMARILLO</u> <u>'DRISCOLL</u> <u>CAMARILLO'</u> | <u>BAEZA</u> <u>'BAEZA'</u> | <u>VENTURA</u> <u>'VENTURA'</u> |
|--------------------------------------|--|--|--|
| Plant Characteristics | | | |
| Height of Plant (cm) | 23.3 | 20.8 | 21.0 |
| Spread of Plant (cm) | 42.7 | 38.2 | 38.7 |
| Number of Crowns | 4.8 | 3.0 | 3.3 |
| Leaf Characteristics | | | |
| Terminal Leaflet Length (cm) | 8.2 | 8.5 | 7.5 |
| Terminal Leaflet Width (cm) | 8.2 | 8.7 | 7.5 |
| Terminal Leaflet Length/Width | 1.0 | 0.98 | .99 |
| # Teeth/Terminal Leaflet | 24.8 | 25.4 | 22.4 |
| Color of upper side | dark green 147A | light to medium green 147A | medium green 137A |
| Color of under side | light green 138B | light green 138B | light green 138B |
| Petiole Length (cm) | 15.9 | 14.5 | 14.2 |
| Petiole Color | 149A yellow green | 144A yellow green | 145A yellow green |
| Bract Frequency | 42% mostly double | 67% mostly double | 50% mostly double |
| Stipule Length (cm) | 3.5 | 3.5 | 2.8 |
| Stipule Width (cm) | 1.2 | 1.1 | 1.1 |
| Stolon | | | |
| Diameter at base of last daughter | 4.09 | 4.12 | 4.05 |
| Flower Characteristics | | | |
| Petal Length (cm) | 1.22 | 1.10 | 1.19 |
| Petal Width (cm) | 1.39 | 1.22 | 1.09 |
| Petal Length/Width Ratio | 0.88 | 0.90 | 1.09 |
| Petal color | 155B | | |
| Flower Diameter (cm) | 2.61 | 2.50 | 2.40 |
| Calyx Diameter (cm) | 2.98 | 2.55 | 2.57 |
| Fruiting Truss | | | |
| Length (cm) | 32.0 | 28.5 | 24.8 |

Fruit Characteristics

| | | | |
|---------------------------------------|-------------------------------------|-------------------------------------|-------------------|
| Fruit Length (cm) | 4.1 | 4.2 | 4.5 |
| Fruit Width (cm) | 4.0 | 3.8 | 4.0 |
| Fruit Length/Width Ratio | 1.03 | 1.11 | 1.11 |
| Average Berry Weight (g) | 21.1 | 21.5 | 24.3 |
| External Color | 46A red | 46A red | 46A red |
| Internal Color | 34B & 155A orange red & white | 42B 7 155D white & orange red | 44A orange red |
| Average % brix | 9.26 | 10.38 | 9.27 |
| Brix/Acid Ratio | 12.62 | 12.87 | 12.95 |
| Achene Coloration | 184B and 13B | 13A and 46A | 13B and 45B |
| Marketable Yield in 2001 (g/plant) | 410 | 293 | 118 |

TABLE 2
CHARACTERISTICS OF CAMARILLO 'DRISCOLL CAMARILLO,' BAEZA
'BAEZA' AND VENTURA 'VENTURA'

| | <u>CAMARILLO</u> <u>'DRISCOLL</u> <u>CAMARILLO'</u> | <u>BAEZA</u> <u>'BAEZA'</u> | <u>VENTURA</u> <u>'VENTURA'</u> |
|--|--|--|--|
| Plant | | | |
| Habit | globose | flat globose | globose to flat globose |
| Canopy Density | open | open | medium |
| Vigor | medium | medium | weak to medium |
| Leaf | | | |
| Shape in cross section | concave | concave | slightly concave |
| Interveinal blistering | very strong | strong to very strong | strong |
| Glossiness | medium to strong | weak | medium |
| Number of leaflets | three only | three only | three only |
| Terminal leaflet margin profile | revolute to flat | revolute to flat | revolute to flat |
| Terminal leaflet shape of base | rounded | obtuse to rounded | rounded |
| Terminal leaflet shape of teeth | rounded | acute to obtuse | obtuse |
| Stipule pubescence | sparse | sparse | sparse |
| Petiole pubescence | sparse | very sparse to sparse | sparse |
| Petiole pose of hairs | outwards | outwards | outwards |
| Stolon | | | |
| Amount | few to medium | few to medium | few to medium |
| Anthocyanin coloration | weak to medium | weak to medium | medium |
| Thickness | Thick | thick to very thick | medium to thick |
| Pubescence | sparse | medium to dense | dense |
| Inflorescence | | | |
| Position relative to foliage | above | level to above | level to above |
| Diameter of calyx relative to corolla on secondary flowers | smaller to same size | same size to larger | smaller |
| Diameter of inner calyx relative to outer on secondary flowers | same size | same size | same size |
| Spacing of petals | overlapping | overlapping | touching to overlapping |
| Fruiting Truss | | | |
| Attitude at first picking | prostrate | prostrate | semi-erect |

Fruit

| | | | |
|---|-----------------------|-------------------------|---------------------|
| Predominant shape | cordate | conical | conical to cordate |
| Difference in shapes between primary and secondary fruits | slight | very slight to slight | slight |
| Band without achenes | absent or very narrow | very narrow to narrow | narrow |
| Unevenness of surface | weak | weak to medium | weak to medium |
| Evenness of color uneven | even | slightly uneven to even | slightly even |
| Glossiness | strong | strong | strong |
| Insertion of achenes | below surface | level to below surface | below surface |
| Insertion of calyx | in a basin | level | in a basin to level |
| Pose of the calyx segments | spreading | spreading to reflexed | reflexed |
| Size of calyx in relation to fruit on secondary fruit | smaller | same size to larger | smaller |
| Adherence of calyx | strong | strong | weak to medium |
| Firmness of flesh | firm | medium to firm | firm |
| Evenness of flesh color | slightly uneven | uneven | slightly uneven |
| Distribution of flesh color | marginal and central | marginal to central | marginal to central |
| Hollow center size | absent to small | large | small |
| Sweetness | medium | medium | medium to strong |
| Texture when tasted | medium | medium | fine |
| Acidity | medium | medium | weak to medium |
| Time of Flowering | mid to late August | mid to late August | mid to late August |
| Harvest Interval in 2001 (Week Ending) | 9/29/-12/22 | 9/29-12/22 | 10/6-12/22 |
| Type of Bearing | fully everbearing | fully everbearing | fully everbearing |

5.3. REACTION TO STRESS, PESTS, AND DISEASE

TABLE 3

| | <u>CAMARILLO</u> <u>'DRISCOLL</u> <u>CAMARILLO'</u> | <u>BAEZA</u> <u>'BAEZA'</u> | <u>VENTURA</u> <u>'VENTURA'</u> |
|------------------------------|--|--|--|
| Reaction to Stress | | | |
| high pH | moderately resistant | moderately resistant | moderately resistant |
| high soil salt levels | moderately resistant | susceptible | moderately resistant |
| Reaction to Pests | | | |
| <i>Tetranychus urticae</i> | moderately susceptible | moderately susceptible | moderately susceptible |
| <i>Lygus hesperus</i> | susceptible | susceptible | susceptible |
| Reaction To Diseases | | | |
| Botrytis fruit rot | susceptible | susceptible | susceptible |
| Powdery mildew | susceptible | highly susceptible | highly susceptible |
| <i>Verticillium</i> wilt | susceptible | susceptible | susceptible |
| Strawberry Mottle Virus | moderately resistant | moderately resistant | moderately resistant |
| <i>Xanthomonas fragariae</i> | moderately resistant | moderately resistant | moderately resistant |

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5.4. ISOZYME ANALYSIS

In addition to the morphological description above, the new cultivar Camarillo 'Driscoll Camarillo' has been analyzed to obtain an indication of its genetic makeup to provide further means for identifying the new variety and distinguishing it from some other somewhat similar and/or related strawberry varieties. Specifically, leaf samples of Camarillo 'Driscoll Camarillo', Baeza 'Baeza', and Ventura 'Ventura' were analyzed by electrophoresis for isozyme patterns of the enzymes phosphoglucosomerase ("PGI"), leucine aminopeptidase ("LAP") and phosphoglucomutase ("PGM"). See J. Amer. Soc. Hort. Sci. 106:684-687. Isozyme characterization of the three varieties is presented in Table 4, with the letters representing the banding patterns for each enzyme as designated in the above-identified article.

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TABLE 4
ISOZYME ANALYSIS FOR CAMARILLO 'DRISCOLL CAMARILLO', BAEZA
'BAEZA' AND VENTURA- 'VENTURA'

| Locus | CAMARILLO '<u>DRISCOLL CAMARILLO</u>' | BAEZA '<u>BAEZA</u>' | VENTURA '<u>VENTURA</u>' |
|--------------|--|---------------------------------|-------------------------------------|
| PGI | A2 | A1 | A2 |
| LAP | B3 | B3 | B3 |
| PGM | C4 | C3 | C4 |

WHAT IS CLAIMED:

1. A new and distinct variety of strawberry plant, substantially as shown and described.

ABSTRACT

This invention relates to a new and distinct variety of strawberry named Camarillo 'Driscoll Camarillo'. The variety is similar to the varieties Baeza 'Baeza' and Ventura 'Ventura'. The variety is distinguished from Baeza 'Baeza' and Ventura 'Ventura' in that Camarillo 'Driscoll Camarillo' has a longer fruiting truss, a dark green coloration of the upper side of the leaf, a globosely plant habit, even fruit coloration, and absent to small hollow center size.